

the home-site, the mayor told the two employees not to charge their work at the private construction site to the town when they filled out their time sheets for the PWD. Instead, they would be paid by the contractor, who they first saw on-site that second afternoon. The two town employees had not previously discussed their compensation for this work with the mayor or anyone else.

- B. During the course of the three days, the town employees used a backhoe, dump truck, trailer, and two other vehicles all owned by the Town of Brighton. Fuel for the vehicles was paid for by the town, and dirt was hauled from the town's storage area to fill the holes left by the stump removal.
- C. The two full-time PWD employees worked this outside employment without written authorization from the mayor. Section 7 of the Town of Brighton's personnel policy states "No full-time employee of the municipality may accept any outside employment without written authorization from the mayor."

On November 14, 2013, the mayor advised us that he authorized the two PWD employees to dig and pour the footing for the foundation of his son's new house using the town's backhoe while under the direction of a contractor. He stated the town received \$200 from the contractor for the use of the backhoe. The mayor advised that his son hired the contractor, who is unlicensed and the mayor's personal friend, to oversee the project. In a letter to investigators, the mayor admitted it was poor judgment to allow town employees to work for a private contractor and to rent out town-owned equipment in the construction of his son's house.

On November 21, 2013, the contractor advised investigators that he did not have a current contractor's license, and he was only acting as a helper. The contractor stated that he asked the mayor about using town-owned equipment and employees since he did not have his own employees or equipment. The contractor said he did not discuss the use of town-owned equipment or employees with the town's public works director or with the two employees. He added that the employees' pay rates and the rental costs for the backhoe were established at the end of the project.

Investigators determined the town's backhoe and other vehicles were located at the private construction site for approximately three days. According to three local companies, the daily rental rate for a backhoe ranges from \$240 to \$312 per day. Investigators were unable to determine the costs of the fuel paid by the Town of Brighton for this private construction project due to a lack of records maintained by the town's Public Works Department. According to our interviews with aldermen and our review of the minutes of the meetings of the mayor and Board of Aldermen, the board was unaware of the use of town employees and equipment on the private construction project. The use of the town-owned equipment and employees appears to be an abuse of authority by the mayor and creates potential liabilities for the town.

RECOMMENDATION

The mayor should not use the town's employees and equipment for private purposes. The Board of Aldermen should take steps to determine all costs funded by the town for this private project and seek reimbursement from the mayor, his son, and/or the contractor. Full-time employees of the town should not accept outside employment without written authorization from the mayor.





MANAGEMENT'S RESPONSE – MAYOR JEFF SCOTT

In retrospect, it has become evident that errors have been made by the Town of Brighton regarding the personal use of town owned equipment and the allowance of employees to seek outside employment without written permission from the mayor. While no one purposefully set out to misuse their authority, the town agrees that a policy regarding the use/lease of equipment should be established and adopted by the mayor and Board of Aldermen. Such a policy will be written and adopted as an ordinance by the mayor and Board of Aldermen forthwith. Reimbursement to the Town of Brighton shall be made by those having used the equipment previously.

While money was collected (\$200) by the town for the use of the backhoe by the mayor, the situation will be examined, and any additional reimbursements identified will be submitted to the town. It is the goal of all involved to rectify the situation and adhere to all regulations/recommendations.

In the future, all outside employment sought by town employees will be requested in written form, reviewed for its purpose, all board members will be made aware of the request, and permission will be granted or denied by the mayor and the Board of Aldermen.

Regarding the use of the town's public works employees, Mayor Scott would like to make it known that he reported to the town's Certified Municipal Financial Officer (CMFO), Kristin Mathis, on Monday (prior to the employees working on the private

property) that he would be hiring the men to complete said work, and that they should not receive compensation from the town for their work on the private property. At no time did the mayor intend for the employees to work on the private property while on the clock for the Town of Brighton outside of locating water and sewer meters. The public works department had been unable to locate the meters on the land. They were aware, based on the town's records, that both meters existed and had been covered-up over time. The department used metal detectors and probes to no avail in attempting to locate the meters.

The mayor's use of the town's backhoe was compensated at the rate of \$200. He did not foresee the use of any additional equipment owned by the town. However, compensation will be made for any/all additional use. The mayor would like to make it known that under no circumstance did he intend to use the town's equipment without proper compensation and fully expects to reimburse any outstanding expenses. As evidence of his concern and passion for the town, the mayor has on numerous occasions provided the town his personal equipment to complete work orders for the town. At times, when the town's equipment was not in operation: such as the town's tractor being out of operation and under repair, or when both of the town's lawnmowers were out of operation, and/or as the town did not have equipment for the preparation of the ball fields; he has allowed the Town of Brighton to use his personal equipment without expecting any type of compensation for its use. Such equipment used by the town includes the mayor's tractor, zero-turn lawnmower, four-wheeler, and generator. In addition, the mayor is a licensed electrician and completes electrical work within the town at no expense to the town. He has added circuits, repaired electrical shorts, added additional lighting, hung fixtures, etc. without the expectation of any compensation. This being said, Mayor Scott's passion and commitment to the betterment of the town is and shall continue to be at the heart of his leadership goal. Please be advised that all future decisions regarding both the use of equipment and outside employment will be thoroughly examined, and extreme caution will be taken to adhere to all policies and/or ordinances.

INVESTIGATOR'S COMMENT

Mayor Scott indicates in his management's response that prior to the employees working on private property, he reported to the town's CMFO that he would be hiring the town's employees to complete said work, and these employees should not receive compensation from the town. In our interview with the town's employees who worked on the private property, we determined these employees were not notified of this arrangement until the second day of work on the private property, and believed they were working as employees of the town.

MANAGEMENT'S RESPONSE – BOARD OF ALDERMEN

The Board of Aldermen will make a formal request that the mayor reimburse the Town of Brighton for any and all cost associated with the findings stated under “FINDING 13.01.” In addition, all full-time employees will review and acknowledge receipt of Section 7 of the Town of Brighton’s personnel policy and discuss with each employee the content and meaning of the policy.

FINDING 13.02 **OTHER INSTANCES OF IMPROPER USE OF TOWN ASSETS AUTHORIZED BY THE MAYOR**

Our investigation disclosed other instances of the improper use of town assets authorized by the mayor. These instances are noted below:

- A. During our interviews with certain town employees, we were informed that one member of the Board of Aldermen used the town’s backhoe at his residence on two occasions during the month of October 2013. We interviewed the alderman, and he admitted to using the backhoe at his residence to unload landscaping materials. He further disclosed that he received permission from the mayor to use the equipment. The alderman noted that he used the services of an off-duty town fireman to operate the equipment.
- B. We were informed by a Public Works Department employee that the mayor authorized the use of the department’s employees and equipment to spread asphalt on the property of a local resident.

RECOMMENDATION

Town-owned assets and employees should not be used on private property. The Board of Aldermen should determine the costs associated with the above-noted instances of improper use of town assets and seek reimbursement for the costs of these projects from the property owners. The Board of Aldermen should have written policies prohibiting the use of town-owned assets and employees on private property.

MANAGEMENT'S RESPONSE – BOARD OF ALDERMEN

The Board of Aldermen will make a formal request that the alderman in question reimburse the Town of Brighton for any and all cost associated with the finding stated under “FINDING 13.02” Section “A.”

The Board of Aldermen will establish a written policy prohibiting the use of town-owned assets and employees on private property. It is anticipated that this

policy shall be implemented and in effect no later than 90 days from the date of this writing.

A copy of the minutes from the mayor and Board of Aldermen meeting whereby the written policy is established shall be forwarded to your office as well as a follow-up letter outlining the request and reimbursements have been made, once those costs have been determined by the Board of Aldermen.

If you have any questions concerning the above, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin P. Wilson". The signature is fluid and cursive, with a large initial "J" and "W".

Justin P. Wilson
Comptroller of the Treasury

JPW/kbh